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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,199	03/08/2002	Detlev Neuland	3868-0104P	9426
2292	7590	03/04/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			HAMILTON, ISAAC N	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 03/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,199

Applicant(s)

NEULAND ET AL.

Examiner

Isaac N Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I, claims 1-4, in Paper No. 08 is acknowledged. The traversal is on the ground(s) that the Examiner has not applied PCT Rule 13 properly. This is not found persuasive because the inventions of Group I and Group II do not have a common special technical feature. As stated in the last Office action, Group II has the special technical feature of guide means and transport means for transport to a conversion machine. Group I has the special technical feature of a negative pressure zone associated with the vacuum roll. Each Group has at least one special technical feature which differentiates it from the other Group.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the take-up channel 7 on page 7, line 26 and the groove on page 8, line 1, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because it is too long and includes "means".

Correction is required. See MPEP § 608.01(b).

5. The specification of the disclosure is objected to because "coilof" on page 2, line 3, should be changed to --coil of--; parallely is not a word in English. Correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

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Regarding claim 1, the phrase "for example" and "in particular" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 1 recites the limitation "the negative pressure zone" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the channels" in line 26. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 is rejected under 35 U.S.C. 112, second and fourth paragraphs, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By substituting the stripping roll, the pressure roll and the guide roll for the vacuum roll applicant violates the fourth paragraph of 35 USC 112 and should place the claim in proper independent form.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stocker in view of Hall et al (3,411,728), hereafter Hall, Faasse, Jr. (4,556,441), and Takimoto et al (4,168,643), hereafter Takimoto. Stocker discloses a roll of material 6 on a mandrel in figure 1; stripping roll 1; pressure roll 7; guide roll 8. Stocker does not disclose active substance containing product, does not disclose a take-up channel, does not disclose turning a strip 90 degrees, does not disclose a multiple circular knife roll and does not disclose leading the strips one upon the other. Faasse, Jr. teaches take-up channel, active substance containing product in figure 9, and leading the strips one upon the other. Take-up channels are the areas between the rollers 72, 74, 78, 80, 86 and 84. Strips are led one upon the other in figure 10. It is well known that substance containing strips are led one upon the other because the strips have multiple layers. It would have been obvious to provide a substance containing product in Stocker as taught by Faasse, Jr. in order to diversify the capabilities of the apparatus. It would have been obvious to provide a take-up channel in Stocker as taught by Faasse, Jr. in order to move the web through several manufacturing steps. It would have been obvious to provide leading substance containing strips one upon the other in order to diversify the products that the apparatus produces. Takimoto teaches multiple circular knife roll 12, 13 and 15. It would have been obvious to provide a multiple circular knife roll in Faasse, Jr. as taught Takimoto in order to provide cutters that are constantly aligned horizontally. Hall teaches turning a strip 90 degrees in figure 1. It would have been obvious to provide turning a strip 90 degrees in order to provide a constant tension in the roll as it is being unwound. Note column 2, lines 43-49.

10. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stocker in view of Hall et al (3,411,728), hereafter Hall, Faasse, Jr. (4,556,441), Minarelli et al (5,172,621)

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and Takimoto et al (4,168,643), hereafter Takimoto. Stocker discloses a roll of material 6 on a mandrel in figure 1. Stocker does not disclose a vacuum roll with a negative pressure zone, does not disclose active substance containing product, does not disclose a take-up channel, does not disclose turning a strip 90 degrees, does not disclose a multiple circular knife roll and does not disclose leading the strips one upon the other. Minarelli teaches vacuum roll 8 with a negative pressure zone. It would have been obvious to provide a vacuum roll in Stocker as taught by Minarelli in order to provide a conveying means free of any excessive tension that could result in damage to the material. Faasse, Jr. teaches take-up channel, active substance containing product in figure 9, and leading the strips one upon the other. Take-up channels are the areas between the rollers 72, 74, 78, 80, 86 and 84. Strips are led one upon the other in figure 10. It is well known that substance containing strips are led one upon the other because the strips have multiple layers. It would have been obvious to provide a substance containing product in Stocker as taught by Faasse, Jr. in order to diversify the capabilities of the apparatus. It would have been obvious to provide a take-up channel in Stocker as taught by Faasse, Jr. in order to move the web through several manufacturing steps. It would have been obvious to provide leading substance containing strips one upon the other in order to diversify the products that the apparatus produces. Takimoto teaches multiple circular knife roll 12, 13 and 15. It would have been obvious to provide a multiple circular knife roll in Faasse, Jr. as taught Takimoto in order to provide cutters that are constantly aligned horizontally. Hall teaches turning a strip 90 degrees in figure 1. It would have been obvious to provide turning a strip 90 degrees in order to provide a constant tension in the roll as it is being unwound. Note column 2, lines 43-49.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Andriola et al. teaches substance containing strips ; Staley teaches a multiple circular knife roller ; Aula et al is cited for a negative pressure zone ; Brennan is cited for turning strips 90 degrees.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 703-305-4949. The examiner can normally be reached on Monday thru Friday between 8am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

IH

February 23, 2004


Allan N. Shoap
Supervisory Patent Examiner
Group 3700